

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DARYOUSH TAHA	:	CIVIL ACTION
Plaintiff	:	
	:	12-06867
v.	:	
	:	
BENSALEM TOWNSHIP et al.	:	
Defendants	:	

**DECLARATION OF JONATHAN SHUB IN SUPPORT OF MOTION TO
SUBSTITUTE CLASS COUNSEL**

1. I am a shareholder of the law firm Kohn, Swift & Graf, P.C. (“KSG”) in Philadelphia, PA and am admitted to practice before this Court. I submit this Declaration in support of Plaintiff’s unopposed motion for substitution of class counsel.
2. I am a 1988 graduate of Delaware Law School of Widener University, graduating *cum laude*, and have been a shareholder of KSG since 2015.
3. KSG has been engaged in the practice of complex and class action litigation for more than four decades. The firm’s office is in Philadelphia, Pennsylvania, where we employ more than 15 attorneys and a sizable staff. KSG is one of the preeminent class action law firms in the United States, and my firm’s work in complex and class action litigation has repeatedly been recognized by courts around the country as exemplary. Additional information about our firm can be found at www.kohnswift.com.
4. Attached hereto as Exhibit “A” is a copy of KSG’s firm resume, which describes some of the firm’s experience in class action and other complex litigation, and gives biographical information about Mr. Shub. As set forth therein, KSG represents plaintiffs in consumer

protection, securities, employment, antitrust, and civil rights cases. KSG has served as class counsel in hundreds of class actions nationwide, resulting in hundreds of judgments and settlements which have recovered billions of dollars for its clients.

5. KSG has investigated the claims asserted in this case and has knowledge of the applicable law. KSG possesses and will continue to commit substantial resources to the prosecution of this matter and to representing the class.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 10th day of May, 2016, at Philadelphia, Pennsylvania.

/s/ Jonathan Shub
Jonathan Shub

EXHIBIT A

KOHN, SWIFT & GRAF, P.C.

Since its founding in 1969, the firm of Kohn, Swift & Graf, P.C., has been a national leader in the prosecution of antitrust class actions and other complex commercial litigation. Kohn, Swift & Graf, P.C. and its attorneys have been selected by courts and co-counsel to be lead counsel, or members of the executive committee of counsel, in scores of class actions throughout the country in the antitrust, securities fraud, tort and consumer protection fields.

The firm has been co-lead counsel in the Holocaust Era cases and other ground breaking international human rights litigation which have resulted in settlements totaling billions of dollars for plaintiff classes from Swiss banks and German and Austrian industries. The firm also maintains a general business litigation practice representing plaintiffs and defendants, including Fortune 500 and other publicly traded corporations, in state and federal courts.

The firm and its shareholders have been recognized for their excellence in antitrust, business and human rights litigation by numerous publications, including the Best Lawyers in America, Chambers USA America's Leading Business Lawyers and Pennsylvania Super Lawyers.

The Kohn firm has been a leader in the prosecution of antitrust class actions for the past 40 years. The firm has been appointed one of the lead counsel in In re Automotive Parts Antitrust Litigation, Master File No. 12-md-02311 and MDL No. 2311 (MDL No. 2311 includes, among others, In re Wire Harness Antitrust Litigation; In re Instrument Panel Cluster Antitrust Litigation; In re Heater Control Panel Antitrust Litigation; In re Occupant Safety Systems Antitrust Litigation; In re Bearings Antitrust

Litigation; In re Windshield Wiper Systems Antitrust Litigation; In re Windshield Washer Systems Antitrust Litigation; In re Starters Antitrust Litigation; and In re Fuel Senders Antitrust Litigation). The firm has also served as lead or co-lead counsel in the following antitrust class actions, among others: In re Ductile Iron Pipe Fittings (“DIPF”) Indirect Purchaser Antitrust Litigation, Case No. 12:169 (D.N.J.); In re Packaged Ice Antitrust Litigation, Case No. 08-MD-01952 and MDL No. 1942 (E.D. Mich.) (\$26.75 million in settlements); In re Fasteners Antitrust Litigation, MDL No. 1912 (E.D. Pa.); In re Graphite Electrodes Antitrust Litigation, MDL No. 1244 (E.D. Pa.) (over \$133 million in settlements obtained for the class); In re Automotive Refinishing Paint Antitrust Litigation, MDL No. 1426 (E.D. Pa.) (settlements totaling \$105.75 million); In re Plastics Additives Antitrust Litigation, MDL No. 1684 (E.D. Pa.) (settlements of \$46 million); In re Residential Doors Antitrust Litigation, MDL 1039 (E.D. Pa.) (\$18 million in settlements); In re Chlorine and Caustic Soda Antitrust Litigation, 116 F.R.D. 622 (E.D. Pa. 1987) (settled on eve of trial for \$51 million); Cumberland Farms, Inc. v. Browning Ferris Indus., Inc., 120 F.R.D. 642 (E.D. Pa. 1988) (class action alleging price fixing in waste hauling industry-case settled shortly before trial for \$50 million); In re Compact Disc Minimum Advertised Price Antitrust Litigation, MDL No. 1361 (D. Me.) (settlements totaling \$143 million approved); In re Stock Exchanges Options Antitrust Litigation, MDL No. 1283 (S.D.N.Y.) (settlements reached with over 40 defendants for \$44 million); In re Pillar Point Partners Antitrust Litigation, MDL No. 1202 (D. Arizona) (settlements of \$50 million); In re Amino Acid Lysine Antitrust Litigation, 918 F.Supp. 1190 (N.D. Ill. 1996) (settlements in excess of \$50 million); In re Toys “R” Us, Inc., Antitrust Litigation, MDL 1211 (E.D.N.Y.) (\$55 million settlement value); In re Plywood

Antitrust Litigation, MDL 159 (D. La.) (tried to verdict for plaintiffs; affirmed by Fifth Circuit; total settlements of approximately \$173 million).

In addition, the Kohn firm is and has been a member of a steering committee or executive committee of counsel in dozens of antitrust class actions, including: In re Currency Conversion Fee Antitrust Litigation, (S.D.N.Y.); In re Carbon Fiber Antitrust Litigation (C.D. Cal.); In re Linerboard Antitrust Litigation (E.D.Pa.); In re Relafen Antitrust Litigation (D.Mass.); In re Brand Name Prescription Drugs Antitrust Litigation (N.D. Ill.); In re Commercial Explosives Antitrust Litigation (D. Utah); In re Catfish Antitrust Litigation (N.D. Miss.); In re Commercial Paper Antitrust Litigation (M.D.Fla.); In re Glassine and Greasproof Paper Antitrust Litigation (E.D. Pa.); In re Corrugated Container Antitrust Litigation, (S.D. Tex.); In re Sugar Industry Antitrust Litigation (E.D. Pa.).

The Kohn firm also maintains a business litigation practice and has represented private clients as plaintiffs in antitrust cases where it was the sole counsel, or assisted by a few co-counsel. These cases were hard fought and several have proceeded through trial and appeals: Alvord-Polk, Inc. v. F. Schumacher & Co., 37 F.3d 996 (3d Cir. 1994), cert. denied, 514 U.S. 1063 (1995) (summary judgment in favor of defendants reversed by Third Circuit; certiorari denied by the Supreme Court; case tried to conclusion before a jury and settled after trial); Gulfstream III Associates, Inc. v. Gulfstream Aerospace Corp., 995 F.2d 425 (3d Cir. 1993) (jury verdict in favor of plaintiff; case settled); Big Apple BMW, Inc. v. BMW of North America, Inc., 974 F.2d 1358 (3d Cir. 1992), cert. denied, 507 U.S. 912 (1993) (summary judgment in favor of defendant reversed by Third Circuit; case settled prior to trial).

In addition to its antitrust practice, the Kohn firm has been retained by institutional investors, including several multi-billion dollar pension funds, to monitor their investments and to commence litigation when appropriate. The firm has brought litigation on behalf of the Retirement System of the City of Philadelphia, the Police and Fire Retirement System of the City of Detroit and the General Retirement System of the City of Detroit. The Kohn firm has been lead or co-lead counsel in the following securities class actions among others: In re KLA-Tencor Corp. Securities Litigation, Master File No. 06-cv-04065-MJJ (N.D. Cal) (\$65 million settlement approved); In re Marvell Technology Group, Ltd. Securities Litigation, Master File No. 06-06286-RMW (N.D. Cal.) (\$72 million settlement approved); In re Calpine Corporation Securities Litigation, Master File No. C-02-1200 (N.D. Cal) (settled on an individual basis after trial preparation nearly complete); In re Schulman Partnerships Securities Litigation, MDL 753-AAH (C.D. Ca.); Goldenberg, et al. v. Marriott PLP Corp., et al., No. PJM 95-3461 (D. Md.); In re Intelligent Electronics, Inc. Securities Litigation, Master File No. 92-CV-1905 (E.D. Pa.); WEBBCO v. Tele-Communications, Inc., et al., No. 94-WM-2254 (D. Colo.); The Carter Revocable Trust v. Tele-Communications, Inc., et al., No. 94-WM-2253 (D. Colo.); Rabin v. Concord Assets Group, Inc., et al., 89 Civ. 6130 (LBS) (S.D.N.Y.); Sadler v. Stonehenge Capital Corp., et al., 89 Civ. 6512 (KC); Ramos, et al. v. Patrician Equities Corp., et al., 89 Civ. 5370 (TPG) (S.D.N.Y.); In re Advacare Securities Litigation, (E.D. Pa. 1993); Solo, et al. v. Duval County Housing Finance Authority, et al., No. 94-1952-CA (Duval Cty. Fla.); In re Clinton Oil Securities Litigation, (D. Kan. 1982).

The firm also has litigated numerous consumer and mass tort class actions, such as: In re Synthroid Marketing Litigation, MDL No. 1182 (N.D. Ill.); In re Temporomandibular Joint (TMJ) Implants Products Liability Litigation, MDL No. 1001 (D. Minn.); In re Bolar Pharmaceutical Co., Inc. Generic Drug Consumer Litigation, MDL No. 849 (E.D.Pa.); In re General Motors Corporation Pickup Truck Fuel Tank Products Liability Litigation, MDL No. 961 and Master File No. 92-6450 (E.D.Pa.); In re Factor VIII or Factor IX Concentrate Blood Products Litigation, Civil Action No. 93-5969 and MDL No. 986 (N.D.Ill.); In re Copley Pharmaceutical, Inc., "Albuterol" Products Liability Litigation, MDL Docket No. 94-140-1013 (D. Wyo.).

Courts throughout the country have praised the firm's ability to handle complex class litigation:

In re Automotive Refinishing Paint Antitrust Litigation, MDL No. 1426 (E.D. Pa.). Judge Surrick stated: "I want to commend counsel on both sides of this litigation. I think the representation on both sides of this litigation is as good as I've ever seen in my entire professional career." Transcript of hearing, August 9, 2007, pp. 18-19.

In re Graphite Electrodes Antitrust Litigation, Master File No. 97-CV-4182, MDL No. 1244 (E.D. Pa.). Judge Weiner wrote that "[c]lass counsel exhibited the highest level of skill and professionalism in their conduct of this litigation." Order of September 8, 2003.

In re Compact Disc Minimum Advertising Price Antitrust Litigation, MDL No. 1361 (D. Me.). In selecting the firm as lead counsel, Judge Hornby stated that "I have concluded that the firm Kohn, Swift & Graf has the experience, skill, resources, and

expertise best able to move this matter forward, and I hereby designate that firm as lead counsel.” Order of January 26, 2001, p. 2.

In re Amino Acid Lysine Antitrust Litigation, MDL No. 1083 (N.D. Ill.). After selecting Kohn Swift & Graf, P.C. as sole lead counsel, at the conclusion of the case Judge Shadur praised the firm’s “extraordinarily professional handling” of the matter, which justified the selection of the firm *ab initio*. Transcript of hearing, February 27, 1998, pp. 3 -4.

In re: Rio Hair Naturalizer Products Liability Litigation, MDL 1055 (E.D. Mich.). Judge Rosen stated that “the work of [lead counsel] and the manner in which they conducted themselves exhibited the very highest level of professionalism and competence in our legal system.” 1996 U.S. Dist. LEXIS 20440, *57 (E.D. Mich., December 20, 1996).

In re: Montgomery Ward Catalog Sales Litigation, Master File No. 85-5094, MDL No. 685 (E.D. Pa). Judge Green praised “the efficient and excellent quality of the attorneys’ work.” Memorandum and Order, August 24, 1988.

JONATHAN SHUB

Jonathan Shub is a shareholder in the firm of Kohn, Swift & Graf, P.C., with which he has been associated since 2015. He is one of the nation's leading consumer rights lawyers, having gained widespread attention for a series of successful lawsuits against major electronics and computer corporations including IBM, Palm, Hewlett-Packard, and Maytag. According to Maximum PC magazine, Mr. Shub is "renowned for orchestrating suits that have simultaneously benefited consumers and exposed buggy hardware." Mr. Shub has extensive experience in a wide range of consumer product liability cases, as well as other areas of complex litigation including antitrust, employment, insurance, pharmaceutical, and securities.

Mr. Shub received his Bachelor's Degree from American University in 1983 and his Juris Doctorate Degree, *Cum Laude*, from Delaware Law School of Widener University in 1988. At Delaware Law School of Widener, Mr. Shub served as an Articles Editor on the Delaware Journal of Corporate Law and earned the prestigious "Best Student Article Award" in 1988. That same academic year he served as a Wolcott Fellow Law Clerk to the Honorable Joseph T. Walsh of the Delaware Supreme Court.

After law school, Mr. Shub returned to his native city of Philadelphia and practiced at several prominent class action firms before coming to Kohn, Swift & Graf, P.C. Since joining the firm, Mr. Shub has concentrated his practice on representing plaintiffs in consumer and product liability class actions. He has been named lead or co-lead counsel in many class action cases. The following cases are a representative selection of those in which Mr. Shub has been named lead or co-lead counsel: *Justice v. Rheem Manufacturing Company*, 9:14-cv-80017 (S.D.Fl. January 7, 2014); *Thomas v.*

Lennox Industries, 1:13-cv-07747 (E.D.II. October 29, 2013); *In Re: Caterpillar Inc. C13 and C15 Engine Products Liability Litigation.*, 1:14-cv-03722, (D.N.J. June 11, 2014); *In Re: Vonage Marketing and Sales Practices Litigation*, 3:07-cv-03906, (D.N.J. August 16, 2007), *MI Windows & Doors, Inc. Products Liability Litigation* (D.S.C. April 23, 2012).

Mr. Shub has been named a Pennsylvania Super Lawyer each year since 2005. He presently serves as co-chair of the Class Action Litigation Group of the American Association for Justice, formerly known as Trial Lawyers of America. Mr. Shub is often invited to serve as a moderator and speaker at various class action conferences. His writings about class action litigation have been published in law journals throughout the country and he is often quoted in leading publications such as “Wall Street Journal” and “Law360”.